UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,395	04/30/2005	Paulus Karremans	P17418-US2	2194

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EXAMINER
PARK, JEONG S

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 October 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3 and 5-18* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 5-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This communication is in response to Application No. 10/533,395 filed on

4/30/2005. The amendment presented on 10/20/2008, which amends claims 1 and 10,

is hereby acknowledged. Claims 1-3 and 5-18 have been examined.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-3, 6-12 and 15-18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kohli et al. (hereinafter Kohli)(U.S. Patent No. 7,213,068 B1) in view

of Eidler et al. (hereinafter Eidler)(U.S. Pub. No. 2003/0009444 A1).

Regarding claims 1 and 10, Kohli teaches as follows:

A method or a system for policy-based control of a communication network

having a distributed architecture (a policy management system implementing a

programmable policy-based approach for managing network elements in a

telecommunication network, see, e.g., abstract), including at least one heterogeneous

communication network (the policy manger is adapted to manage many different types

of network elements, see, e.g., col. 3, lines 42-44) comprising;

Messaging between network elements (network elements perform a network-

related function, see, e.g., col. 3, lines 47-48), said network elements comprising at

least one policy enforcement point (PEP)(12 and 14 in figure 1), one or more policy

decision points (PDPs)(policy server 8 in figure 1), which network elements provide for

registering events (the policy server issues event registrations, which causes event

registration to be performed at the corresponding PEPs, see, e.g., col. 8, lines 28-31);

Providing the PEP with a server capability and changing the PDPs to clients

(PEP has a server capability by providing events information to the policy server in

order to decide following policy actions and the policy server changing to a client, when

the events are considered as the services, see, e.g., col. 8, lines 37-46);

Sending notifications (event notification) of the occurrence of events subscribing

to by the PDPs (PEPs send their events directly to the policy server or policy agent that

has reregistered for the events, see, e.g., col. 8, lines 39-41);

Enforcing a policy upon said events if certain conditions are met (action

command being sent to the event originating PEPs, see, e.g., col. 8, lines 55-61),

wherein said at least one PEP serves as a server towards at least one PDP, being a

client (device server (PEP), 18 and 20 in figure 1, collects events and distributes the

events to policy server (PDP); and

Events of the PEP which may be requested by the PDP (PEPs send their events

directly to the policy server (equivalent to applicant PDP) that has registered for the

events, see, e.g., col. 8, lines 37-46).

Kohli does not teach of establishing a service agreement between the PEP and

the PDP determining a subset of subscribed events.

Eidler teaches as follows:

Service level agreement between the server and the customer monitoring customer system events (management server monitors components and system events associated with a particular customer based on specific service level agreements indicated by that customer, see, e.g., page 3, paragraph [0034]).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine Kohli with Eidler to include the service agreement between the server and the client in order to effectively monitor the clients based on the specific service level agreement predetermined.

Regarding claims 2 and 11, Kohli teaches as follows:

The policies of a PEP are available to the one or more PDPs (the policy server (PDP) register its policy events with all PEPs being managed by a policy which means both PDP and PEP are running under the same policy, see, e.g., col. 8, lines 26-28).

Regarding claims 3 and 12, Kohli teaches as follows:

The one or more PDPs subscribe to one or more PEP policy enforcement capabilities outside the service domain of a PDP (the policy server generates an action for a remote network (outside the service domain) element through a directory server, 16 in figure 1, which maintains a domain registry used to drive PEP addresses, see, e.g., col. 8, line 66 to col. 9, line 6).

Regarding claims 6 and 15, Kohli teaches as follows:

After the occurrence of the event, said messaging is synchronous, wherein event data are sent together with the notifications from the PEP to the PDP (the specified

events raised at the various PEPs are forwarded to the appropriate policy processing

point as an event notification, see, e.g., col. 13, line 64 to col. 14, line 5).

Regarding claims 7 and 16, Kohli teaches all the limitations of claim except for

asynchronous messaging between PEP and PDP.

It would have been obvious for one of ordinary skill in the art at the time of the

invention to modify Kohli to include the asynchronous messaging in order to first select

a proper PDP among multiple PDPs and then to send event data from the PEP to the

selected PDP.

Regarding claims 8 and 17, Kohli teaches as follows:

A PEP registering events that a PDPs can subscribe to (the policy server issues

event registrations, which causes event registration to be performed at the

corresponding PEPs, see, e.g., col. 8, lines 26-31);

The PEP registering policy enforcements (policy actions) that the PDP may

suggest to the PEP (action evaluator, 30 and 32 in figure 1, provides the abstraction of

the same semantic actions across a spectrum of devices, see, e.g., col. 10, lines 34-

44);

The PDP (policy server) obtaining said registered events (the policy server

issues event registrations, see, e.g., col. 8, lines 26-31); and

The PDP (policy server) obtaining said registered policy enforcements (policy

actions)(the policy server, 8 in figure 2, and the policy agents, 8a in figure 2, are the

components that process events received from the PEPs and which apply the policy

rules to generate the policy actions, see, e.g., col.8, lines 47-49).

Regarding claim 9, Kohli teaches as follows:

The PDP (policy server) requesting a PEP to be notified of a specified event (the

event registration information is consulted whenever an event is raised at a PEP, and

the event is forwarded for delivery to any policy that has registered for the event, see,

e.g., col. 13, lines 53-56);

The PDP (policy server) requesting a PEP for a possibility to enforce a policy (the

policy server, 8 in figure 2, and the policy agents, 8a in figure 2, are the components

that process events received from the PEPs and which apply the policy rules to

generate the policy actions, see, e.g., col.8, lines 47-49);

The PEP notifying a PDP that the specified event has occurred (the specified

events raised at the various PEPs are forwarded to the appropriate policy processing

point as an event notification, see, e.g., col. 13, line 64 to col. 14, line 5);

The PDP suggesting to said PEP a policy enforcement appropriate for said

specified event (the firing of an action may result in an action command being sent to

the event originating PEPs, see, e.g., col. 8, lines 52-57); and

The PEP enforcing said policy enforcement (the policy rules request an action to

be taken at one or more PEPs, see, e.g., col. 14, lines 30-35).

Regarding claim 18, Kohli teaches as follows:

Network administrators interface the policy server for run-time policy loading and

unloading (see, e.g., col. 3, lines 56-58).

It would have been obvious for one of ordinary skill in the art at the time of the

invention to modify Kohli to include multiple policy servers as a stakeholder in order to

enforce the accurate policy enforcements responding to the specified events from the

PEPs.

4.   Claims 5, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kohli et al. (hereinafter Kohli)(U.S. Patent No. 7,213,068 B1) in view of Eidler et al.

(hereinafter Eidler)(U.S. Pub. No. 2003/0009444 A1) as applied to claims 1 and 10

above, and further in view of Putzolu (U.S. Patent No. 6,578,076 B1).

Regarding claims 5, 13 and 14, Kohli teaches as follows:

Multiple PDPs used in policy processing (policy processing responsibilities are

distributed between the policy server (8 in figure 2) and multiple policy agents (8a in

figure 2), see, e.g., col. 4, lines 1-2); and

Kohli in view of Eidler do not teach that a preference or priority scheme for

sending the notifications to one or more of multiple PDPs or accepting a policy from a

PDP to enforce the proper PEP.

Putzolu teaches as follows:

Policy-based network management applies a client-server paradigm and

outsources policy decisions to a plurality of policy servers (see, e.g., col. 2, lines 40-46);

and

Accept with priority scheme used to make a local decision at policy client

(equivalent to applicant's PEP)(see, e.g., col. 5, lines 16-26).

It would have been obvious for one of ordinary skill in the art at the time of the

invention to modify Kohli in view of Eidler to include priority scheme between multiple

PDPs to select one of those and to accept a policy from the multiple PDPs, as taught by

Putzolu in order to select a proper policy server and policy based on the policy and

event registration information among the multiple policy servers.

Response to Arguments

5.   Applicant's arguments with respect to claims 1 and 10 have been considered but

are moot in view of the new ground(s) of rejection.

A.   Summary of Applicant's Arguments

        In the remarks, the applicant argues as followings:

        1) Regarding claim 1, providing the PEP with a server capability and changing

the PDPs to clients, just the opposite of the services in the Policy Enabling Point

disclosed in the Kohli reference; and

        2) The PEP acronym in the present inventions is not the same as the PEP

acronym in the Kohli reference.

B.   Response to Arguments:

        In response to argument 1), the Examiner interpreted as follows:

        A server is defined as any device provides services to other device therefore the

PEP has a server capability by providing events information to the policy server in order

to decide following policy actions and the policy server changing to a client, when the

events are considered as the services.

        Also the applicant did not describe any specific functional distinctions of the PEP

with a server capability from the PEP in Kohli as well as the PDP. Kohli teaches all the

limitations of claimed functionality of both PEP and PDP.

In response to argument 2), The PEP (Policy Enabling Point) teaches all the

limitations of claimed PEP. Therefore the Kohli's PEP (Policy Enabling Point) is

equivalent to the applicant's PEP (Policy Enforcement Point).

Claims are to be given their broadest reasonable interpretation during

prosecution, and the scope of a claim cannot be narrowed by reading disclosed

limitations into the claim. See In re Morris, 127 F.3d 1048, 1054, 44 USPQ2D 1023,

1027 (Fed. Cir. 1997); In re Zletz, 893 F.2d 319, 321, 13 USPQ2D 1320, 1322 (Fed. Cir.

1989); In re Prater, 415 F.2d 1393, 1404, 162 USPQ 541,550 (CCPA 1969). In addition,

the law of anticipation does not require that a reference "teach" what an appellant's

disclosure teaches. Assuming that reference is properly "prior art,'" it is only necessary

that the claims "read on" something disclosed in the reference, i.e., all limitations of the

claim are found in the reference, or "fully met" by it. Kalman v. Kimberly-Clark Corp.,

713 F.2d 760, 772, 218 USPQ 781,789 (Fed. Cir. 1983).

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEONG S. PARK whose telephone number is (571)270-1597. The examiner can normally be reached on Monday through Friday 7:00 - 3:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. S. P./
Examiner, Art Unit 2454

December 31, 2008

/Dustin Nguyen/
Primary Examiner, Art Unit 2454